

In the  
Legislature



of the State  
of Washington

# DIGEST SUPPLEMENT

To Legislative Digest and History of Bills  
Supplement No. 67\*

FIFTY-SEVENTH LEGISLATURE

Thursday, May 3, 2001

9th Day - 2001 1st Special

## SENATE

SB 5749-S  
SB 5759-S  
SB 5764-S  
SB 6151-S

## HOUSE

HB 1267-S  
HB 2216-S

## LIST OF BILLS IN DIGEST SUPPLEMENTS

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\*To be discarded upon receipt of Edition No. 1 of the Legislative Digest and History of Bills

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**House Bills**


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**HB 1267-S** by House Committee on Transportation  
(originally sponsored by Representatives  
Fisher, Mitchell and Lambert; by request of Governor  
Locke)

Making transportation appropriations for 2001-03.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Makes transportation appropriations for 2001-03.

**-- 2001 1ST SPECIAL SESSION --**

Apr 30 TR - Majority; 1st substitute bill be  
substituted, do pass.  
Minority; without recommendation.

**HB 2216-S** by House Committee on Transportation  
(originally sponsored by Representatives  
Hankins and Fisher)

Clarifying vehicle license fees and distribution thereof.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Clarifies vehicle license fees and distribution thereof.

Declares that license tab fees shall be thirty dollars per  
year for all vehicles, regardless of year, value, make, or  
model, beginning January 1, 2000.

Provides that twenty dollars and thirty-five cents of  
each original vehicle license fee or renewal license fee must  
be deposited in the state patrol highway account in the  
motor vehicle fund, hereby created.

Provides that two dollars and two cents of each original  
vehicle license fee and ninety-three cents of each renewal  
license fee shall be deposited each biennium in the Puget  
Sound ferry operations account. Any remaining amounts of  
vehicle license fees and renewal license fees that are not  
distributed otherwise under this act must be deposited in the  
motor vehicle fund.

**-- 2001 1ST SPECIAL SESSION --**

Apr 30 TR - Majority; 1st substitute bill be  
substituted, do pass.  
Minority; without recommendation.

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**Senate Bills**


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**SB 5749-S** by Senate Committee on Transportation  
(originally sponsored by Senators  
McAuliffe, Horn, Winsley, Oke and Haugen; by request of  
The Blue Ribbon Commission on Transportation)

Adopting cost-benefit analysis for transportation planning.

(AS OF SENATE 2ND READING 4/30/01)

Adopts cost-benefit analysis for transportation  
planning.

Declares that the preservation program consists of  
those investments necessary to preserve the existing state  
highway system and to restore existing safety features,  
giving consideration to lowest life cycle costing. The  
preservation program must require use of the most cost-  
effective pavement surfaces, considering:

- (1) Life-cycle cost analysis;
- (2) Traffic volume;
- (3) Subgrade soil conditions;
- (4) Environmental and weather conditions;
- (5) Materials available; and
- (6) Construction factors.

Requires the commission to develop and use  
transportation demand modeling tools to evaluate  
investments based on the best mode or improvement, or mix  
of modes and improvements, to meet current and future  
long-term demand within a corridor or system for the  
lowest cost. The end result of these demand modeling tools  
is to provide a cost-benefit analysis by which the  
commission can determine the relative mobility  
improvement and congestion relief each mode or  
improvement under consideration will provide and the  
relative investment each mode or improvement under  
consideration will need to achieve that relief.

Requires the department to conduct multimodal  
corridor analyses on major congested corridors where  
needed improvements are likely to cost in excess of one  
hundred million dollars. Analysis will include the cost-  
effectiveness of all feasible strategies in addressing  
congestion or improving mobility within the corridor, and  
must recommend the most effective strategy or mix of  
strategies to address identified deficiencies.

Requires a long-term view of corridors to be employed  
to determine whether an existing corridor should be  
expanded, a city or county road should become a state  
route, and whether a new corridor is needed to alleviate  
congestion and enhance mobility based on travel demand.  
To the extent practicable, full costs of all strategies must be  
reflected in the analysis. At a minimum, this analysis must  
include: (1) The current and projected future demand for  
total person trips on that corridor;

(2) The impact of making no improvements to that  
corridor;

(3) The daily cost per added person served for each  
mode or improvement proposed to meet demand;

(4) The cost per hour of travel time saved per day for  
each mode or improvement proposed to meet demand; and

(5) How much of the current and anticipated future demand will be met and left unmet for each mode or improvement proposed to meet demand.

Declares that the end result of this analysis will be to provide a cost-benefit analysis by which policymakers can determine the most cost-effective improvement or mode, or mix of improvements and modes, for increasing mobility and reducing congestion.

**-- 2001 REGULAR SESSION --**

Mar 8 TRAN - Majority; 1st substitute bill be substituted, do pass.  
Minority; do not pass.  
Passed to Rules Committee for second reading.

Apr 3 Placed on second reading by Rules Committee.

Apr 4 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 48; nays, 0; absent, 1.

**- IN THE HOUSE -**

Apr 6 First reading, referred to Transportation.

Apr 22 By resolution, returned to Senate Rules Committee for third reading.

**-- 2001 1ST SPECIAL SESSION --**

**- IN THE SENATE -**

Apr 25 By resolution, reintroduced and retained in present status.

Apr 27 Placed on third reading by Rules Committee.

Apr 30 Rules suspended.  
Returned to second reading for amendment.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 47; nays, 1; absent, 1.

**SB 5759-S** by Senate Committee on Transportation (originally sponsored by Senators Patterson, Horn, Prentice, McAuliffe, Shin, Finkbeiner, Winsley, Haugen, Franklin, Kohl-Welles and Kastama; by request of The Blue Ribbon Commission on Transportation)

Improving traffic chokepoints.

(AS OF SENATE 2ND READING 4/30/01)

Declares an intent that funding for transportation improvements be allocated to the worst traffic chokepoints in the state. Furthermore, the legislature intends to fund projects that provide systemic relief throughout a transportation corridor, rather than spot improvements that fail to improve overall mobility within a corridor.

Provides that priority programming for the improvement program must be based primarily upon the following: (1) Traffic congestion, delay, and accidents;

(2) Location within a heavily traveled transportation corridor;

(3) Synchronization with other potential transportation projects, including transit and multimodal projects, within the heavily traveled corridor; and

(4) Use of benefit/cost analysis wherever feasible to determine the value of the proposed project.

Directs the department of transportation to report the results of its priority programming under RCW 47.05.051 to the transportation committees of the senate and house of representatives by December 1, 2002, and December 1, 2004.

**-- 2001 REGULAR SESSION --**

Mar 8 TRAN - Majority; 1st substitute bill be substituted, do pass.  
Passed to Rules Committee for second reading.

Apr 3 Placed on second reading by Rules Committee.

Apr 4 1st substitute bill substituted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 48; nays, 0; absent, 1.

**- IN THE HOUSE -**

Apr 6 First reading, referred to Transportation.

Apr 22 By resolution, returned to Senate Rules Committee for third reading.

**-- 2001 1ST SPECIAL SESSION --**

**- IN THE SENATE -**

Apr 25 By resolution, reintroduced and retained in present status.

Apr 27 Placed on third reading by Rules Committee.

Apr 30 Rules suspended.  
Returned to second reading for amendment.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 48; nays, 0; absent, 1.

**SB 5764-S** by Senate Committee on Transportation (originally sponsored by Senators Shin, Horn, Winsley, Oke and Haugen; by request of The Blue Ribbon Commission on Transportation)

Maintaining and preserving transportation facilities and assets.

(AS OF SENATE 2ND READING 4/30/01)

Finds that roads, streets, bridges, and highways in the state represent public assets worth over one hundred billion dollars. These investments require regular maintenance and preservation, or rehabilitation, to provide cost-effective transportation services. Many of these facilities are in poor condition.

Declares that, given the magnitude of public investment and the importance of safe, reliable roadways to the motoring public, the legislature intends to create stronger accountability to ensure that cost-effective maintenance and preservation is provided for these transportation facilities.

Requires that, as a condition of receiving state funding, a public entity shall submit a maintenance management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the municipality, and provide a preservation plan based on lowest life cycle cost methodologies.

Provides that, during the 2001-2003 biennium, cities and towns shall provide to the transportation commission, or its successor entity, preservation rating information on at least seventy percent of the city's or town's arterial network. Thereafter, the preservation rating information requirement shall increase in five percent increments in subsequent biennia. The rating system used by cities and towns must be based upon the Washington state pavement rating method or an equivalent standard approved by the transportation commission.

Declares that the transportation plan must include a highway maintenance element, establishing service levels for highway maintenance on state-owned highways that meet benchmarks established by the transportation commission. The highway maintenance element must include an estimate of costs for achieving those service levels over twenty years. This element will serve as the basis for the maintenance component of the six-year highway program and the two-year biennial budget request to the legislature.

Provides that, for purposes of maintaining and preserving any state-owned component of the state's passenger rail program, the statewide multimodal transportation plan must identify all such assets and provide a preservation and maintenance plan based on lowest life cycle cost methodologies.

Requires the board to establish a standard of good practice for maintenance of transportation system assets. This standard must be implemented by all counties no later than December 31, 2006. The board shall develop a model maintenance management system for use by counties.

Requires the board to develop rules to assist the counties in the implementation of this system. Counties shall annually submit their maintenance plans to the board.

Requires the board to compile the county data regarding maintenance management and annually submit it to the transportation commission or its successor entity.

**-- 2001 REGULAR SESSION --**

Mar 8     **TRAN** - Majority; 1st substitute bill be substituted, do pass.  
             Passed to Rules Committee for second reading.

Mar 10     Made eligible to be placed on second reading.  
 Mar 12     Placed on second reading by Rules Committee.  
 Apr 4      1st substitute bill substituted.  
             Floor amendment(s) adopted.  
             Rules suspended. Placed on Third Reading.  
             Third reading, passed: yeas, 49; nays, 0; absent, 0.

**- IN THE HOUSE -**

Apr 6      First reading, referred to Transportation.  
 Apr 22     By resolution, returned to Senate Rules Committee for third reading.

**-- 2001 1ST SPECIAL SESSION --****- IN THE SENATE -**

Apr 25     By resolution, reintroduced and retained in present status.  
 Apr 27     Placed on third reading by Rules Committee.  
 Apr 30     Rules suspended.  
             Returned to second reading for amendment.  
             Floor amendment(s) adopted.  
             Rules suspended. Placed on Third Reading.  
             Third reading, passed: yeas, 48; nays, 0; absent, 1.

**SB 6151-S**     by Senate Committee on Human Services & Corrections (originally sponsored by Senators Long and Hargrove)

Revising provisions relating to high-risk sex offenders.

(AS OF SENATE 2ND READING 4/30/01)

Makes the following findings: (1) The effective management of high-risk sex offenders requires a comprehensive approach that includes appropriate sentencing for sex offenses and a plan to address both the immediate and long-term need to establish secure community transition facilities throughout the state.

(2) The individualized treatment required for constitutional civil commitment includes the realistic possibility of release to a less restrictive alternative in appropriate cases. Most persons civilly committed under chapter 71.09 RCW who become eligible for release to a less restrictive alternative do not have housing. Because a lack of housing may unduly restrict a person's ability to obtain an order to a less restrictive alternative, the legislature recognizes that the state must provide some housing facilities. Facilities to house persons conditionally released to a less restrictive alternative under chapter 71.09 RCW are essential public facilities. Public protests and local government moratoriums on zoning and permitting processes have hampered the state's ability to comply with constitutional and statutory requirements and with court

orders to create housing for less restrictive alternative placements. The legislature, therefore, intends to provide statewide guidance and assistance in the siting of secure community transition facilities for persons conditionally released to less restrictive alternatives under chapter 71.09 RCW.

(3) Some high-risk sex offenders are most appropriately managed through an indeterminate sentencing structure in which they will be supervised and can be retained in or returned to a state correctional institution until the statutory maximum sentence has expired. The state does not currently have an indeterminate sentencing structure. Consequently, the state must make changes to its sentencing structure to effectively manage these high-risk sex offenders.

Declares an intent to: (1) Manage high-risk sex offenders to the greatest extent possible through the criminal justice system by establishing an indeterminate sentencing structure for those offenders who present a high risk to the community, based on their sex offense history;

(2) Ensure the continued operation and any necessary and authorized expansion of state correctional facilities for sex offenders and other offenders on McNeil Island;

(3) Ensure the prompt siting and timely operation of a secure community transition facility on McNeil Island, ensure the continued progress toward the construction and operation of the total confinement facility already planned for McNeil Island, to further the treatment and management of persons civilly committed under chapter 71.09 RCW, and establish a framework for the establishment of additional secure community transition facilities;

(4) Maximize public safety and enhance the potential for successful treatment of sexually violent predators through the tightly managed use of less restrictive alternatives in secure community transition facilities;

(5) Maximize the safety of communities in which secure community transition facilities are located and ensure public input into decisions involving the siting and ongoing operation of these essential public facilities; strengthening the safeguards in placement, oversight, and monitoring of conditionally released persons; and establishing minimum standards for the siting and operation of secure community transition facilities; and

(6) Comply with federal court orders and require the siting of secure community transition facilities and thereby preclude the possibility that the department of social and health services would be unable to site a facility due to local moratoriums and requirements.

Repeals 2001 c . . . s 1 (Substitute Senate Bill No. 5123, as amended by the house of representatives); 2001 c . . . s 3 (Substitute Senate Bill No. 5123, as amended by the house of representatives); and 2001 c . . . s 4 (Substitute Senate Bill No. 5123, as amended by the house of representatives).

Declares this section is null and void if sections 358 and 359 of this act are not enacted into law.

Repeals RCW 9.95.0011 and 9.95.145.

Authorizes the secretary to site, construct, occupy, and operate a secure community transition facility for persons authorized to petition for court-ordered conditional release under RCW 71.09.090(1) and a special commitment center with up to four hundred four beds as a total confinement facility under this chapter, on McNeil Island subject to

appropriated funding for those purposes. The secure community transition facility shall be authorized for the number of beds needed to ensure compliance with the orders of the superior courts under this chapter and the federal district court for the western district of Washington, but in no case more than nine occupied beds before July 1, 2002, or thirty-six occupied beds thereafter.

Declares that no additional secure community transition facilities designed for more than three persons may be sited in a county where the special commitment center and the secure community transition facility established pursuant to this act are located.

Authorizes the secretary to operate a correctional facility on McNeil Island for the confinement of sex offenders and other offenders sentenced by the courts, and to make necessary repairs, renovations, additions, and improvements to state property for that purpose, notwithstanding any local comprehensive plans, development regulations, permitting requirements, or other local laws. Operation of the correctional facility and other state facilities authorized by this act and other law includes access to adequate docking facilities on state-owned tidelands at the town of Steilacoom.

Requires that beginning on the effective date of this section, the state shall immediately enter into negotiations for a mitigation agreement with the county in which the secure community transition facility established pursuant to section 201 or this act is located, and with each community in which the persons will reside or regularly spend time in the community pursuant to court orders for regular work or education, or to receive social services, or will regularly be transported through to reach those communities. The negotiations must be toward an agreement that will provide state funding, as appropriated for this purpose, in an amount adequate to mitigate anticipated or realized increased costs in law enforcement resulting from any increased risks to public safety brought about by the presence of sexually violent predators in those communities due to the siting of the secure community transition facility established pursuant to section 201 of this act.

Requires that, on or before December 1, 2002, the department of social and health services shall submit a report to the appropriate committees of the legislature regarding policies for the subsequent placement of sexually violent predators on court-ordered conditional release residing in the secure community transition facility established pursuant to this act. The report shall address the following: (1) The anticipated number of persons who may be eligible for conditional release to a setting less restrictive than the facility established pursuant to section 201 of this act during the 2003-2005 and 2005-2007 biennia;

(2) The anticipated need, if any, for secure community transition facilities smaller than the facility established pursuant to section 201 of this act;

(3) Policies that will be implemented to ensure that placement of persons eligible in the future for conditional release to a setting less restrictive than the facility established pursuant to section 201 of this act will be equitably distributed among the counties, and within each county, among jurisdictions in the county.

Provides that the department of social and health services shall, by August 1, 2001, and prior to operating the secure community transition facility established pursuant to

section 201 of this act, hold at least three public hearings in the affected communities within the county where the facility is located.

The purpose of the public hearings is to seek input from county and city officials, local law enforcement officials, and the public regarding operations and security measures needed to adequately protect the community from any increased risk to public safety brought about by the presence of persons conditionally released from the special commitment center in these communities due to the siting of the facility. The department shall ensure that persons have a full opportunity to speak to the issues to be addressed during each hearing.

Establishes a joint select committee on the equitable distribution of secure community transition facilities.

**-- 2001 REGULAR SESSION --**

- Apr 6 HSC - Majority; 1st substitute bill be substituted, do pass.  
Minority; do not pass.  
Passed to Rules Committee for second reading.  
Made eligible to be placed on second reading.
- Apr 10 Placed on second reading by Rules Committee.
- Apr 12 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 35; nays, 11; absent, 3.

**- IN THE HOUSE -**

- Apr 18 First reading, referred to Criminal Justice & Corrections.
- Apr 22 By resolution, returned to Senate Rules Committee for third reading.

**-- 2001 1ST SPECIAL SESSION --**

**- IN THE SENATE -**

- Apr 25 By resolution, reintroduced and retained in present status.
- Apr 30 Placed on third reading by Rules Committee.  
Rules suspended.  
Returned to second reading for amendment.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 39; nays, 8; absent, 2.  
Notice given to reconsider vote on third reading.  
Vote on third reading will be reconsidered.  
Third reading, passed: yeas, 38; nays, 9; absent, 2.

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# LIST OF BILLS IN DIGEST SUPPLEMENTS CONT.

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## SENATE

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## HOUSE

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